

FREQUENTLY ASKED QUESTIONS (FAQ'S) ON RIPDES PERMIT REQUIREMENTS FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

Rhode Island
Department of
Environmental
Management

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dem/programs/benviron/
water/permits/ripdes/
stwater/index](http://www.state.ri.us/dem/programs/benviron/water/permits/ripdes/stwater/index)

DO I NEED A STORM WATER PERMIT FOR MY CONSTRUCTION PROJECT?

Yes, if a construction activity such as clearing, grading, excavating and filling has been planned to disturb an area equal to or greater than one acre of land, including disturbances less than one acre if the construction activity is part of a larger common plan that would ultimately affect one or more acres.

WHY DO I NEED A PERMIT?

When rain falls or snow melts, the water that runs off construction sites can wash sediment, chemicals and other pollutants into adjacent properties, storm drains, and nearby streams, ponds, and rivers. Sediments reduce the storage capacity of waterways, causing flooding and stream bank scouring. Sediments and chemicals that adhere to them can also reduce fish populations, contaminate shellfish beds, close swimming beaches and foster algae and weed growth. The Department's role, through the issuance of permits, is to establish requirements that help minimize and reduce the amount of sediments and pollutants in storm water discharges associated with construction activity to protect and improve our waterways.

WHAT DOES THE RIPDES CONSTRUCTION GENERAL PERMIT REQUIRE?

The RIPDES General Permit requires the Development of a SWPPP for all construction activities that require RIPDES authorization. A SWPPP must address two components of storm water pollution: (1) pollution caused by soil erosion and sedimentation during and after construction; and (2) storm water pollution caused by use of the site after construction is completed. In addition, the SWPPP must identify potential sources of pollutants as well as describe and ensure the implementation of Best Management Practices (BMPs) used to reduce or eliminate the pollutants in the storm water discharges and assure compliance with the permit. At minimum, the SWPPP must include a site description as well as a description of controls, including construction details appropriate for the site and the implementation of such controls (in accordance with Part IV.E. of the General Permit).

The description of controls must address:

- Erosion and sedimentation controls, including a description of vegetative controls and structural practices;
- Post construction storm water management, including a description of measures that will be installed during the construction project to control pollutants in storm water discharges that will occur at the site after the construction operations have been completed;
- Other controls, including a description of controls to reduce offsite vehicle tracking of sediments, practices to properly dispose of all types of wastes generated at the site, spill prevention and response procedures, control of allowable non-storm water discharges, good housekeeping practices;

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- Maintenance, including a description of procedures to maintain, in good and effective operating condition, vegetation, storm water control measures and other protective measures, identified in the site plan.

WHEN/WHAT DO I NEED TO SUBMIT FOR RIPDES AUTHORIZATION?

There are three situations in which you may need to submit a NOI or both a NOI and a SWPPP to RIPDES for authorization (refer to Table 1: What do I need to submit for RIPDES Authorization?). Note however, that a copy of the SWPPP must be kept on-site for all construction sites at all times regardless of submission requirements.

Both a SWPPP and a NOI will need to be submitted to RIPDES for:

- Construction activities that disturb an area equal to or greater than five (5) acres which **do not** require a Coastal Resource Management Council (CRMC) permit, Qualifying Local Program (QLP) approval, and an RIDEM Water Quality Certification.

A NOI only will need to be submitted to RIPDES for:

- Construction activities that disturb an area equal to or greater than five (5) acres which receive a Coastal Resource Management Council (CRMC) permit or a Qualifying Local Program (QLP) approval, and an RIDEM Water Quality Certification (if applicable).
- Construction activities that disturb an area equal to or greater than one (1) acre but less than five (5) acres that do not require a CRMC permit, QLP approval, RIDEM Water Quality Certification, or a RIDEM or Freshwater Wetlands permit.

Instances where only a NOI is required to be submitted to RIPDES, the NOI must contain a signed certification by a Registered Professional Engineer, a Soil and Water Conservation Society Certified Professional Soil Erosion and Sediment Control Specialist, or Registered Landscape Architect certifying that the SWPPP has been developed in accordance to requirements of the permit. The purpose of having a certified NOI is to ensure that a SWPPP has been developed for the site and meets the requirements of the permit.

WHAT IS A QUALIFYING LOCAL PROGRAM?

A QLP is a Department approved local erosion and sediment control program municipalities form to manage storm water which at a minimum includes requirements for implementation of erosion and sediment control Best Management Practices (BMPs), the control of construction site wastes that may potentially affect water quality, development and implementation of a Storm Water Pollution Prevention Plan, and submittal of a site plan for review that incorporates consideration of potential water quality impacts (refer to RIPDES Regulation Rule 15.01(i)).

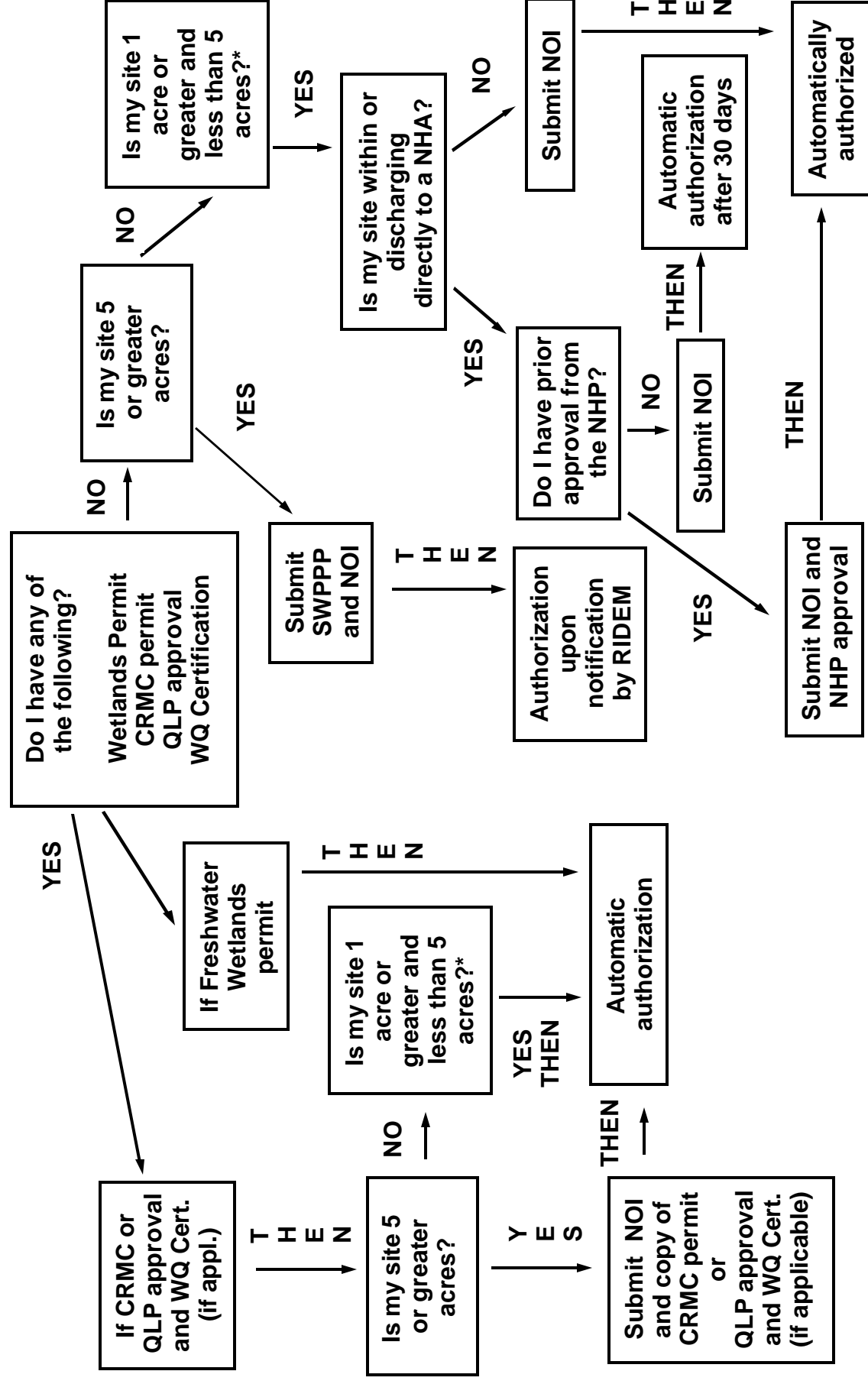
Regulated municipalities under the Phase II storm water requirements must develop construction and post construction storm water management programs that meet the Phase II minimum measures established in the RIPDES Regulation Rule 31(e)(3)(ii)(D-E). Regulated municipalities have two years from the effective date of the Small MS4 General Permit to develop and adopt an ordinance to require erosion and sediment control and control of other wastes at construction sites, as well as sanctions to ensure compliance as well as develop procedures and the capacity to review, inspect, and enforce construction activities. Until that time, the RIPDES program intends to issue permits for sites equal to or greater than one (1) acre but smaller than five (5) acres in addition to five and greater acres for the first two years after the effective date of the Small MS4 General Permit. At that time, the Department will publish and maintain a list of QLPs and will make this list available.





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Table 1: What do I need to submit for RIPDES authorization?



* Construction activities that disturb less than 1 acre but are part of a common plan of development or sale that will ultimately disturb 1 or more acres in total require RIPDES authorization

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WHAT IS THE NATURAL HERITAGE AREAS (NHA) CERTIFICATION?

All construction activities that are required to submit an NOI to the Department must fill out the Natural Heritage Area information in Part V of the NOI as well as sign the certification in Part IX. The NHA information will assist the Department by expediting our review and determination of projects that propose a storm water or allowable non-storm water discharge to a NHA, or has discharge related activities that may potentially affect a listed or proposed to be listed endangered or threatened species or its critical habitat.

HOW DO I DETERMINE IF THE SITE IS WITHIN OR DIRECTLY DISCHARGES TO A NHA?

In order to determine whether your site is within or directly discharging to a NHA follow the below steps:

Step 1: Go to <http://www.state.ri.us/dem/maps/index.htm>

Step 2: Select the "Environmental Resource Map" from list of maps

Step 3: Select RI Natural Heritage Areas as a visible layer from menu*

Step 4: Select any other layer that may be useful in determining the location of the construction activity relative to the RI Natural Heritage Area (such as roads) or use the address search feature.

* Note: Menu may not list all layers if scale factor is too large. If this is the case, then use the "zoom in" feature until all layers are listed in menu.

WHAT HAPPENS WHEN THE SITE IS WITHIN OR DIRECTLY DISCHARGES TO A NHA?

If the discharges have the potential to affect such species or habitat, a map must be submitted showing site location (street, nearest utility pole number, Assessors plat and lot), total area of site, and limits of disturbance.

Authorization from the Department will be granted as follows:

- If site is equal to or greater than five (5) acres, authorization granted upon notification.
- If site is equal to or greater than one (1) acre but less than five (5) acres and has pre-approval from the NHP, authorization granted automatically.
- If site is equal to or greater than one (1) acre but less than five (5) acres without pre-approval, authorization will be granted automatically in thirty (30) days .

WHO CAN I CONTACT FOR MORE INFORMATION?

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<http://www.state.ri.us/DEM/programs/benviron/water/permits/ripdes/index.htm>

